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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,228	04/07/2000	JOHN WAYNE SIMMONS	PT03130U	9875
22926	7590	01/11/2006	EXAMINER	
MOTOROLA, INC. 8000 WEST SUNRISE BOULEVARD ROOM 1610 FORT LAUDERDALE, FL 33322			LUK, LAWRENCE W	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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MOTOROLA, INC.
8000 West Sunrise Boulevard
Room 1610
Fort Lauderdale, FL 33322

JAN 11 2006

In re Application of:
SIMMONS *et al.*
Serial No.: 09/544,228
Filed: April 07, 2000
Attorney Docket No.: **PT03130U**

: : :
SUA SPONTE
DECISION WITHDRAWING HOLDING OF
ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance and Issue Fee Due (Notice) mailed on August 15, 2003. A Notice of Abandonment was mailed on December 31, 2003.

A review of the written record indicates that the request to change the correspondence address filed on May 08, 2001, to change the address associated the Customer Number 22926, was not properly processed in the application file. As a result, the Notice mailed on August 15, 2003, was sent to an incorrect correspondence address. Accordingly, it cannot be presumed that the Notice reached practitioner at the correspondence address of record. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing the Notice of Allowability and a Notice of Allowance and Issue Fee Due. The shortened statutory periods for response set therein will be reset to run from the date the Notices are re-mailed. Extensions of time for these periods are not available. See 37 C.F.R. § 1.136(c), effective November 07, 2000.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.


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